IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 33131 of 2007(T)

PETITIONER:

RAJAN N.C., S/O CHENNANKUTTY,
NOCHIYIL HOUSE, VARAKKARA P.O.,
ALAGAPPANAGAR, 680325.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
THRISSUR.

2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

3. THE DEPUTY COLLECTOR(L.R.),
PUBLIC INFORMATION OFFICER,
THRISSUR.

4. THE VILLAGE OFFICER,
AMBALLUR.

BY GOVT. PLEADER SRI. I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 33131 OF 2007

Dated this the 12th day of November, 2007

J U D G M E N T

Petitioner claims that his predecessor was holding certain extent of land originally on lease and subsequently his predecessor purchased the jenmam rights from the landlord. On this basis, it is submitted that mutation was effected and tax was also been paid and this continued even after the petitioner purchased the land. However, tax is now declined to be accepted by the 4th respondent. Making reference to Ext.P5, petitioner submits that the apparent reason for non-acceptance of tax is the pendency of a suit as O.S. 1142/02 before the Sub Court, Irinjalakuda. Petitioner submits that pendency of the suit need not stand in the way of the respondents for accepting the land tax.

2. Irrespective of the objections that the respondents might raise, I think that the petitioner is justified in requiring the respondents to accept the tax. So long as the land in question is mutated in the name of the petitioner, petitioner is entitled to pay the tax in respect of that land, as has been done in the past. Therefore,

without prejudice to the contentions of the respondents , I direct that the tax in respect of the land which now stands in the name of the petitioner shall be accepted by the respondents. However, respondents will be free to make an endorsement on the receipt to be issued that the acceptance of the tax is pursuant to this judgment.

Petitioner shall produce a certified copy of this judgment before the 4th respondent for compliance.

The writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

vps